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U.S. PTO

Practitioner's Docket No. 70904/56627

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Box Patent Application**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EL 895417330 US), and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on October 19, 2001.

By Kathryn A. Grindrod  
Kathryn A. Grindrod

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of:

Inventor(s): Mitsunobu YOSHIDA

For (title): **DISK CARTRIDGE AND OPTICAL DISK READ/WRITE DEVICE**

**1. Type of Application**

This new application is for a(n)

*(check one applicable item below)*

- Original (nonprovisional)
- Design
- Plant
- Divisional.
- Continuation.
- Continuation-in-part (C-I-P).

**WARNING:** *Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.*

**WARNING:** *Do not use this transmittal for the filing of a provisional application.*

## 2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

**WARNING:** *If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.*

**WARNING:** *When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. Section 1.78(a)(3).*

[ ] The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 3. Papers Enclosed

### A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

63 Pages of Specification  
9 Pages of Claims  
18 Sheets of Drawing

**WARNING:** *DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to Section 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. 1.84, see Notice of March 9, 1988 . (1990 O.G. 57-62).*

[ ] The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).  
[ X] Formal  
[ ] Informal

### B. Other Papers Enclosed

       Pages of declaration and power of attorney  
1 Pages of Abstract  
       Other

**4. Additional Papers Enclosed**

- Amendment to claims
  - Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
  
- Preliminary Amendment
- Information Disclosure Statement (37 C.F.R. Section 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- Special Comments
- Other

**5. Declaration or Oath (including power of attorney)**

- Enclosed

Executed by

*(check all applicable boxes)*

- inventor(s).
- legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.
- joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).*

- Showing that the filing is authorized.  
*(not required unless called into question. 37 C.F.R. Section 1.41(d))*

## **6. Inventorship Statement**

**WARNING:** *If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.*

The inventorship for all the claims in this application is:

The same.

or

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
 is submitted.  
 will be submitted.

## **7. Language**

English

Non-English

The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

## **8. Assignment**

An assignment of the invention to \_\_\_\_\_

is attached. A separate  "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  FORM PTO 1595 is also attached.  
 will follow.

**WARNING:** *A newly executed "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.*

**9. Certified Copy**

Certified copy(ies) of application(s)

Japan	2000-321732	October 20, 2000
Country	Appln. no.	Filed
Japan	2001-009526	January 17, 2001
Country	Appln. no.	Filed
Country	Appln. no.	Filed

from which priority is claimed

[ X ] is (are) attached.  
[ ] will follow.

**10. Fee Calculation (37 C.F.R. Section 1.16)**

**A. [ X ] Regular application**

**CLAIMS AS FILED**

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$740.00
Total Claims (37 C.F.R. Section 1.16(c))	18	- 20 =	0	x	\$18.00 0

Independent Claims (37 C.F.R. Section 1.16(b))	- 3 =	x	\$84.00
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Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	+ \$280.00
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- Amendment cancelling extra claims is enclosed.
- Amendment deleting multiple-dependencies is enclosed.
- Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 740.00

B.  Design application  
(\$330.00--37 C.F.R. Section 1.16(f))  
Filing Fee Calculation \$ \_\_\_\_\_

C.  Plant application  
(\$510.00--37 C.F.R. Section 1.16(g))  
Filing Fee Calculation \$ \_\_\_\_\_

#### 11. Small Entity Statement(s)

- Statement(s) that this is a filing by a small entity under 37 C.F.R. Section 1.9 and 1.27 is (are) attached.

**WARNING:** *"Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under Section 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under Section 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this Section." 37 C.F.R. Section 1.28(a)(2).*

**WARNING:** *"Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P. Section 509.03, 6th ed., rev. 2, July 1996 (emphasis added).*

*(complete the following, if applicable)*

- Status as a small entity was claimed in prior application \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_ from which benefit is being claimed for this application under:

35 U.S.C. Section      [ ]      119(e),  
                          [ ]      120,  
                          [ ]      121,  
                          [ ]      365(c),

and which status as a small entity is still proper and desired.

[ ] A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$\_\_\_\_\_

**12. Request for International-Type Search (37 C.F.R. Section 1.104(d))**

*(complete, if applicable)*

[ ] Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

[ ] Not Enclosed

[ ] No filing fee is to be paid at this time.

*(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)*

[ X ] Enclosed

[ X ] Filing fee \$ 740.00

[ ] Recording assignment (\$40.00; 37 C.F.R. Section 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.") \$\_\_\_\_\_

[ ] Petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused to sign or cannot  
be reached  
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i)) \$\_\_\_\_\_

[ ] For processing an application with a  
specification in a non-English language  
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k)) \$\_\_\_\_\_

[ ] Processing and retention fee  
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l)) \$\_\_\_\_\_

[ ] Fee for international-type search report  
(\$40.00; 37 C.F.R. Section 1.21(e)) \$\_\_\_\_\_

Total Fees Enclosed

\$ 740.00

**14. Method of Payment of Fees**

Check in the amount of \$ 740.00.

Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

**WARNING:** *If no fees are to be paid on filing, the following items should not be completed.*

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.*

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 04-1105.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a)).

37 C.F.R. Section 1.17 (application processing fees)

37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

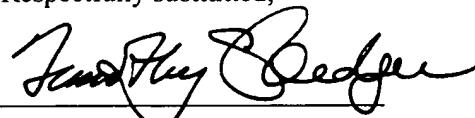
**16. Instructions as to Overpayment**

Credit Account No. 04-1105.

Refund

Date: October 19, 2001

Respectfully submitted,



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